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3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

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6 THOMAS WRAY HERNDON,

Case No. 3:20-cv-00489-MMD-CLB

7 Petitioner,

ORDER

8 v.

9 DWIGHT NEVEN, *et al.*,

10 Respondents.

11 This habeas matter is before the Court on Petitioner Thomas Herndon's motion for  
12 a stay or, in the alternative, for an extension of time (ECF No. 21 ("Motion")). Respondents  
13 filed a limited non-opposition. (ECF No. 23.)

14 The Court granted Petitioner's first unopposed motion to extend time, setting the  
15 deadline to file his amended petition for May 3, 2021. (ECF No. 20.) Petitioner now  
16 requests a stay to provide Petitioner's counsel time to meet with him in person to  
17 accommodate Petitioner's purported intellectual disability, and to have an expert perform  
18 a neuropsychological evaluation. Alternatively, Petitioner requests a 120-day extension  
19 of time to file his amended petition for writ of habeas corpus. Respondents do not oppose  
20 Petitioner's motion, but Respondents assert that an extension of time is more efficient.

21 The Court finds that Petitioner has not established that a stay is warranted at this  
22 time. Petitioner is located at the Lovelock Correctional Center and a limited reopening  
23 began on May 1, 2021. If Petitioner experiences significant delays in conducting an  
24 adequate investigation into his purported mental impairment, he may refile his motion to  
25 stay the proceedings and/or request another extension of time. The Court finds good  
26 cause to grant Petitioner's request to extend time to file his amended petition. Petitioner  
27 will have until August 31, 2021, to file an amended petition for writ of habeas corpus.<sup>1</sup>

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<sup>1</sup>Petitioner at all times remains responsible for calculating the running of the federal

1 It is therefore ordered that Petitioner Thomas Herndon's motion for a stay or, in the  
2 alternative, for an extension of time (ECF No. 21) is granted in part and denied in part.  
3 Petitioner's request for a stay is denied without prejudice.

4 It is further ordered that Petitioner will have until August 31, 2021, to file an  
5 amended petition for writ of habeas corpus.

6 DATED THIS 21<sup>st</sup> Day of May 2021.

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12 MIRANDA M. DU  
13 CHIEF UNITED STATES DISTRICT JUDGE  
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limitation period and timely presenting claims.